

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WAYNE KELLY

PLAINTIFF

V.

NO. 4:06CV183-M-S

ALVIN LUCAS

DEFENDANT

FINAL JUDGMENT

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated October 27, 2008, was on that date duly served by mail upon Plaintiff at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. Therefore, it is

ORDERED:

1) the Report and Recommendation of the United States Magistrate Judge dated October 27, 2008, is hereby APPROVED and ADOPTED as the opinion of the court;

2) Plaintiff's complaint is DISMISSED for failure to prosecute; and

3) this matter is CLOSED

THIS the 2nd day of December, 2008.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI